

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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RAUL MARTINEZ, *individually*, :

Plaintiff, :

-against- :

ORDER TO SHOW CAUSE

STOP 1 DELI & 99 CENT PLUS CORP. :
(D/B/A STOP ONE DELI & 99 CENTS), :
MOHAMMED ALSAIDI AND EFRAIN :
ALSAIDI, :

Defendants. :

19-CV-2662 (LGS) (KNF)

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KEVIN NATHANIEL FOX
UNITED STATES MAGISTRATE JUDGE

On December 13, 2019, the assigned district judge entered default judgment against Stop 1 Deli & 99 Cent Plus Corp. (d/b/a Stop One & 99 Cents), Docket Entry No. 69, and referred the matter to the undersigned for an inquest “on damages, interest, fees and costs - - post-default judgment,” Docket Entry No. 68. On February 5, 2020, the Court conducted a conference to inquire from the plaintiff, in light of the joint and several liability claimed by the plaintiff in the amended complaint, what action the plaintiff intends to take with respect to the individual defendants against whom no default judgment was obtained. During that conference, the plaintiff’s attorney represented to the Court that “we’re going to dismiss the case against the individual defendants.” Docket Entry No. 76. As of the date of this order, the plaintiff has taken no action against the individual defendants.

On or before December 28, 2020, the plaintiff shall show cause in writing why the claims against individual defendants shall not be dismissed with prejudice for failure to prosecute. See Schenck v. Bear,

Stearns & Co., 583 F.2d 58, 60 (2d Cir. 1978) (“The district court has the power to dismiss for failure to prosecute, on its own motion.”).

Dated: New York, New York
December 18, 2020

SO ORDERED:



KEVIN NATHANIEL FOX
UNITED STATES MAGISTRATE JUDGE